

REMARKS

In the Office Action dated June 10, 2003, the Examiner rejected claims 25-68 and 98 under 35 U.S.C. §§112 and/or 132. In the following remarks, applicant will respond to those rejections and highlight the relevant matter disclosed in the specification such that it becomes apparent to the Examiner that these rejections should be reconsidered and withdrawn.

With respect to the §132 rejection of claim 25, in the opinion of the Examiner,

"the instant specification does not provide support for the newly added claim limitations 'approximately 1 part by weight of a powder bleach composition', 'approximately 1.5 to about 5 parts by weight of an aqueous developer composition', and 'approximately 1.5 to about 5 parts by weight of an aqueous based hair colorant' in instant claim 25."

Applicant respectfully disagrees. No new matter has been introduced into the disclosure. Applicant would like to draw the attention of the Examiner to, for example, page 29, lines 12-16 of the specification, which states:

"the above composition is obtained by combining about 1-30% of the bleach powder, about 20-60% of the aqueous developer, and about 20-60% of the aqueous colorant composition, all percentages being by weight of the total mixture. More preferably, the mixture is made by combining about one part bleach powder, 2 parts aqueous developer, and 2 parts aqueous colorant composition."

In claiming an approximate range of values for the composition, the amounts disclosed in the claims are clearly included in the amounts disclosed by the specification. Therefore, applicant requests that this rejection be reconsidered and withdrawn.

Turning next to the rejection of Claim 45, the phrase "a oil-in-water" has been amended to recite "an oil-in-water" for grammatical purposes as suggested by the Examiner. Applicant wishes to thank the Examiner for calling this issue to her attention.

Next, the Examiner rejected Claims 25-68 and 98 under 35 U.S.C. §112. As discussed above, with respect to Claim 25, no new matter has been introduced into the present invention. Thus, the elements disclosed in Claim 25 are supported by the specification and properly describe the present invention. Applicant requests the rejection of this claim be reconsidered and withdrawn

Finally, the Examiner rejected Claims 27, 32-40, 52, 57, 59, 62, 64, 66 and 68 "as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention." Applicant has amended these claims in accordance with the Examiner's comments.

Therefore, as is evidenced by the above amendments and remarks, the present invention, discloses the first aqueous based colorant composition and method for one-step coloring and highlighting of hair. A composition and method such as this is neither taught nor suggested anywhere in the prior art.

CONCLUSION

In view of the foregoing, the applicant respectfully submits that the present invention represents a patentable contribution to the art and the application is in condition for allowance. Early and favorable action is accordingly solicited.

Dated: September 26, 2003

Respectfully submitted,

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